

1 by Federal Rule of Criminal Procedure 7(c). Since the indictment puts him on notice that he is
2 charged in Nevada with conspiracy to distribute drugs, “the time during which the conspiracy was
3 operative[,] and the statute allegedly violated,” nothing more is needed. *United States v.*
4 *McGowan*, 711 F.2d 1441, 1450 (9th Cir. 1983) (“An indictment under 21 U.S.C. § 846 is sufficient
5 if it alleges: ‘a conspiracy to distribute drugs, the time during which the conspiracy was operative and
6 the statute allegedly violated, even if it fails to allege or prove any specific overt acts in furtherance
7 of the conspiracy.”); *United States v. Forrester*, 616 F.3d 929, 941 (9th Cir. 2010) (upholding
8 indictment that “tracks the language of the conspiracy statute, identifies a location and co-
9 conspirators, and alleges the purpose of the conspiracy.”).

10 Pursuant to Local Rule IB 3-2, the parties may file specific written objections to the
11 recommendation within fourteen days of receipt. To date, no objections have been filed.

12 Upon review of the magistrate judge’s recommendation (doc. #78) and there not being any
13 objections,

14 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that United States Magistrate
15 Judge Lawrence R. Leavitt’s recommendation (Doc. #45) is AFFIRMED in its entirety.

16 IT IS THEREFORE ORDERED that the defendant’s motion to dismiss (#45) be, and the
17 same hereby is, DENIED.

18 DATED this 16th day of May, 2011.

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21 UNITED STATES DISTRICT JUDGE
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